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February 9, 2006

BY CM/ECF AND HAND DELIVERY

The Honorable Gregory M. Sleet
United States District Court
844 King Street
Wilmington, DE 19801

Re: National Starch v. Cargill Inc., et al., C.A. No. 04-1443-GMS

Dear Judge Sleet:

We write on behalf of Plaintiffs National Starch and Penford regarding an impending discovery and schedule change issue that may arise in light of Defendants' February 1, 2006 motion for leave to amend their answers and counterclaims.

Both fact and expert discovery are rapidly coming to a close. Pursuant to the Scheduling Order entered by the Court, fact discovery ends next week, Wednesday, February 15, 2006. Opening Expert reports must be served on March 1, 2006 and responsive expert reports are to be served on March 20, 2006.

Despite this, Defendants have petitioned the court for leave to amend their answers and counterclaims in order to add new claims of inequitable conduct and unfair competition. Plaintiffs strongly believe that there is no merit to Defendants' motion and that the Court should deny Defendants' request for leave to amend, which was filed more than four months after the September 30, 2005 deadline for amending pleadings mandated by the Scheduling Order. Plaintiffs have filed a brief opposing this motion today that more fully explains Plaintiffs' position.

Further, if the Court decides to grant Defendants' motion, it will be impossible for Plaintiffs to complete fact and expert discovery and properly respond to and defend against the

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new allegations under the current Scheduling Order. Addition of the inequitable conduct and unfair competition claims will import a number of new issues into the case, including subjective issues of intent as well as defendants' alleged harm resulting from the claimed unfair competition, that have not yet been subject to fact discovery. Moreover, it will not be possible to locate and prepare new experts to deal with these proposed claims before the March 1st expert report deadline.

We are not sure how to proceed with regard to this problem, but in light of the potential impact on the current schedule posed by the motion to amend, and in light of the Court's suggestion that we contact chambers earlier rather than later when scheduling issues arise, we were hopeful that Your Honor would consider scheduling a teleconference in the near future so as to decide how to proceed. In any event, we would be appreciative of the Court's guidance on this issue.

Respectfully submitted,

Josy W. Ingersoll by Chad Stover

Josy W. Ingersoll (No. 1088)

JWI:cg

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